

THAW ACQUITTED, GOES TO TOMBS;
WILL FIGHT RETURN TO MATTEAWANVON BERNSTORFF DEFENDS
SINKING OF AMERICAN SHIP
BY GERMAN RAIDER EITEL

Kaiser's Ambassador Upsets Reports That the Berlin Government Would Disavow the Acts of Capt. Thierichens and Make Reparation.

WASHINGTON, March 13.—Count von Bernstorff, German Ambassador, to-day upset the hopes of the Washington Government for a quick settlement of the controversy over the sinking of the American ship William P. Frye by the German raider, Prinz Eitel Friedrich.

Although reports from Berlin, via Amsterdam, had declared the German Government would repudiate the acts of the raider, the German Ambassador, in discussing the case to-day with State Department officials, defended the action of Capt. Thierichens, contending that he acted under the Declaration of London, which was the only guide he had as to disposition of prizes. This looked like a change of front on the part of the Berlin Government.

Earlier in the day it had been reported that what amounted to a German apology had already been presented.

The Ambassador, before going to the State Department, conferred with Capt. Boy-ed, naval attaché of the Embassy, who returned yesterday from Newport News. He had gone there to hear the story of the sinking of the American vessel from the commander of the Prinz Eitel.

Count Bernstorff did not present any note to the State Department. He said he had received no instructions from his Government. He said he called to discuss the question informally and to learn what was the view of the United States.

In defending the action of Commander Thierichens the Ambassador contended that when the officer left Tientsin at the outbreak of the war last August he had nothing to follow but the Declaration of London in deciding what to do with vessels he might seize.

For that reason, the Ambassador argued, he had a right to sink the Frye, as its cargo of wheat was consigned "to order" and destined to a fortified port of the enemy. So long as there was no port into which he could take his prize, he had a right, the Ambassador contended, to destroy not only the cargo but the vessel itself.

The Ambassador argued that the commander of the Prinz Eitel, when he sank the Frye, did not know that a German prize court on Aug. 3 had held that the mere fact that a merchant ship was bound for an enemy port was not sufficient proof that her cargo was determined destined for the enemy.

The case of the Frye, the Ambassador said, would have to be settled in accordance with international law, because of the present status of the declaration of London.

"We did not intend," he said, "to disregard any of the judicial niceties in the case."

Capt. Kliebe of the Frye called at the Treasury Department this forenoon and was taken immediately by Assistant Secretary Peters to the State Department, where, after a short talk with Secretary Bryan, the Captain, Peters and W. D. Sewall of Bath, Me., the Frye's owner, conferred with Counselor Lansing.

BERLIN, March 13 (by wireless to Sayville, L. I.).—Berlin newspapers give much space to the report from the United States concerning the arrival at Newport News of the German converted cruiser Prinz Eitel Friedrich, and particularly to the sinking by the cruiser of the William P. Frye. Much prominence is given to a London despatch alleging that American

27 CASH REGISTER MEN
SAVED FROM PRISON
BY COURT DECISION

Anti-Trust Conviction of Millionaire Patterson and Others Is Reversed.

CINCINNATI, March 12.—The United States Circuit Court of Appeals to-day reversed the lower court in the case of the Government against John H. Patterson, President, and twenty-six other officials or former officials of the National Cash Register Company of Dayton, O., and remanded it back to the District Court for a new trial.

Mr. Patterson and his associates were found guilty of violating the Sherman Anti-Trust Law and sentenced to serve prison terms and fines.

The upper court based its action upon its finding that the first count of the indictment, which charged the defendants with being guilty of conspiracy to restrain trade in violation of the Sherman act, had not been proved by the evidence, and that the second and third were defective and should never have been permitted to enter into the trial of the case in the lower court. It is held that conspiracy had to be proved as existing within three years of the time the indictment was drawn and that the Government failed to offer convincing evidence to sustain these charges.

Both of the latter counts charged that the defendants had tried to monopolize the cash register business in the United States. "Actually doing business, no matter how large, is not monopoly," the Court stated. "The competitors who were attacked should have called upon the courts to protect them while they were being attacked."

Patterson was tried in 1913 before Judge Hollister in the United States District Court and was sentenced to a year in jail at Troy, O., and fined \$5,000.

A few months later he had become a "national hero" through his work during the Dayton flood, and, in May, with a jail sentence hanging over his head, polled the largest vote of all the candidates for the Dayton Chamber Commission.

Patterson was the first millionaire ever sentenced to jail under an anti-trust law.

FOUR BOYS KILLED
IN OIL EXPLOSION;
ONE MAN IS DEAD

Branch Plant of the Crew Levick Company Blown Up in Brooklyn.

MANAGER AVERY DIES.

Several Other Persons Were Reported Missing—Woman Among the Injured.

George Avery, manager in charge of the Crew Levick Company branch at Atlantic and Montauk Avenues, Brooklyn, and four unidentified boys were instantly killed by an explosion which demolished the plant at 11:40 o'clock to-day. Several persons were injured but none fatally. A report that three men in addition to Avery and the boys had been killed was disproved by a search of the ruins.

The boys were victims of a helpful impulse which prompted them, as they were passing the plant and noticed that the fumes of gasoline were very strong, to go to the office and report the fact. Returning to Atlantic Avenue and starting eastward they were buried under the walls of the storehouse as the explosion tore it apart.

The engineer and fireman of a Long Island switch engine which was standing alongside the building in which the explosion occurred were blown from the cab, but ran back, started the engine and pulled two loaded tank cars out onto the main line, where the woodwork of the engine was consumed. Windows were broken for blocks around the plant and the shock of the explosion was felt miles away.

J. Denan of No. 569 Liberty Avenue, employed in the plant, was so badly injured he was taken to St. Mary's Hospital. Catherine Abrudo, seventy-three years old, of No. 60 Montauk Avenue, who was passing the plant was knocked down by a brick. Frank Dunham, an employee; Fred Strobel, a passerby, and Mrs. Jessie Herbert of No. 2118 Jamaica, bookkeeper for the plant, were slightly injured.

LARGEST INDEPENDENT CONCERN IN BROOKLYN.

The Crew-Levick Oil Company deals in gasoline and kerosene and has headquarters at No. 60 Broadway. It is the largest independent oil concern in Brooklyn. In the plant at the southeast corner of Montauk and Atlantic Avenues were a two-story brick and concrete storage building, with two 1,100-gallon tanks on the second floor—one for gasoline and the other for kerosene. These tanks were connected by pipes with underground tanks in the yard which had a capacity of 10,000 gallons. The office, a small brick and concrete building, is in Montauk Avenue, about fifty feet south of the storage building.

A spur track from the Long Island main line crosses Atlantic Avenue and enters the yard through a gate. This spur—used for the transfer of tank cars to and from the plant—runs alongside and about five feet distant from the wall of the storehouse. Several pipes connecting the underground tanks with the storehouse tanks ran along the surface of the ground underneath the railroad track.

TANKS USED FOR TEMPORARY DAILY STORAGE.

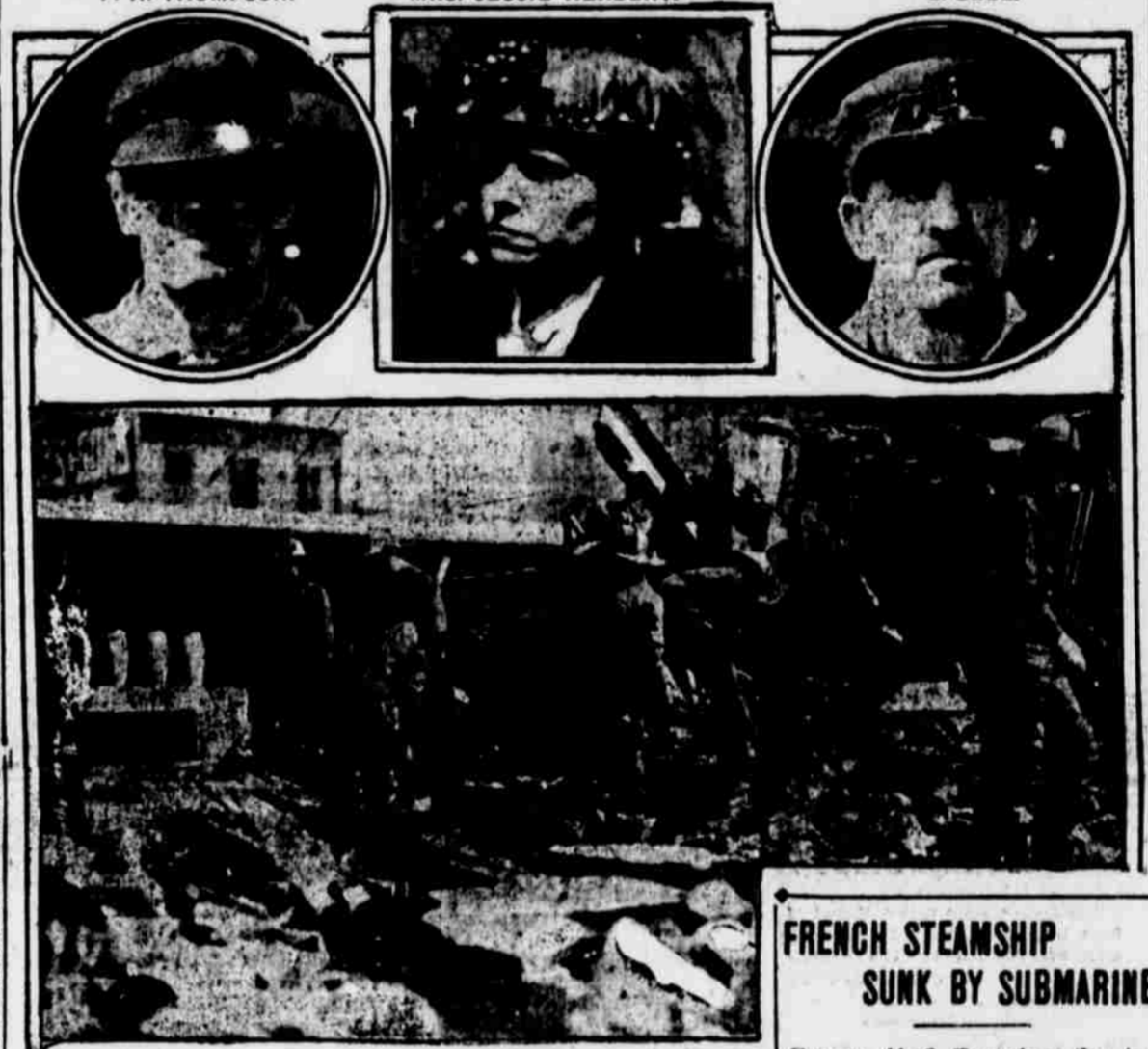
The tanks in the storehouse were used for the temporary daily storage of oil, being filled in the morning and emptied in the evening by a pressure system working in connection with the underground tanks. On Saturday

Firemen Searching in Ruins of Brooklyn Oil Plant
Wrecked by Explosion—Three Victims of Accident

F. H. THOMPSON.

MRS. JESSIE HERBERT.

E. BELE.

COL. CROOK DEAD;
WAS FIFTY YEARS
AT WHITE HOUSE

Served as Bodyguard for Lincoln, Who Told Him of Murder Warnings in Dreams.

WASHINGTON, March 12.—Col. W. H. Crook, disbursing officer of the White House, who was President Lincoln's bodyguard and who had been intimately acquainted with every President since 1860, died to-day at his home here. He had been sick with pneumonia more than a week.

President Wilson expressed deep regret when informed of Col. Crook's death. Last January the Colonel celebrated his fiftieth anniversary as an attaché of the White House.

Col. Crook is survived by his mother, Mrs. Mary A. Garton, who is ninety-six years old.

He was taken from the Washington police force in 1865 and appointed President Lincoln's bodyguard. Prior to this he had served in the Union Army. He accompanied Lincoln on many of his walks and drives, and it was his duty to watch over the President during public receptions.

Col. Crook told often of how, on the afternoon before Lincoln's assassination, the President had come to him in confidence and said that on three successive nights he had had dreams which foretold his murder. Crook thereupon begged the President not to go to the theatre that evening, as planned. Lincoln insisted, and, furthermore, would not hear of Crook accompanying him. He ordered Crook to go home and rest. As they parted Lincoln failed to say "Good night"—the only time he ever failed to say it, said Crook.

The Colonel told how he drove Guitau, President Garfield's assassin,

away from the White House on occasions before he finally succeeded in killing the President. Guitau had been accustomed to go into the reception room, ask after the health of the President, stay a short time and leave. He became obnoxious one day, and orders were given to keep him away. On the morning of the assassination the man returned to ask about the President's health, and Crook was worried when he heard of the affair. The President was not told of his fears however, and in one of his books of White House memories Crook tells how he found Garfield turning hand springs with his sons that morning.

MARSHAL 17 YEARS, HE
WILL RAISE PIGS NOW

Henkel Retires and McCarthy Is Sworn in to Fill Local Federal Post.

Thomas D. McCarthy, newly appointed United States Marshal for the Southern District of New York, took the oath of office as successor to William Henkel before United States Circuit Judge Lacombe in the Federal Building to-day. He will begin active work Monday, when his bond of \$40,000 has been filed and approved.

Marshal McCarthy will meet his deputies—numbering about twenty—at nine o'clock to-morrow morning. When he becomes informed as to the duties they have been performing he will begin to arrange the staff to suit his taste, which is strongly Democratic. Most of the present deputies are Republicans and are not protected by civil service rules. He has the filling of forty-six places.

When ex-Marshall Henkel packs up his office effects and quits the Federal Building to-night he will leave a job he has held for seventeen years. "But I've got facilities for raising some very excellent prize pigs on my farm at Honkonkoma, L. I.," is his optimistic view, "and I guess I can still do something at that."

SAILING TO-DAY.

Tenares, Havana 12 M.
Duca d'Abuzzi, Naples 12 M.
Grayson, San Juan 12 M.

FRENCH STEAMSHIP
SUNK BY SUBMARINE

German U-29 Torpedoed the Auguste Conseil, but Crew Is Saved.

PARIS, March 12 (United Press).—The German submarine U-29 on Thursday torpedoed and sank the French steamer Auguste Conseil of the Compagnie des Chargeurs.

The crew was saved and landed at Falmouth, England.

CAN'T HOLD A BABY
FOR UNPAID BOARD

A pink and white, seven months old girl baby is not proper security for a board bill, Magistrate Barlow ruled in the West Side Court to-day. Mrs. May Burghard of No. 558 West Fifty-first street, had brought Mrs. Minnie Curtis of No. 542 West Thirty-seventh street, to court on a summons to get the baby.

Mrs. Burghard said that she had boarded the baby with Mrs. Curtis since October so that she could go out to work. She is separated from her husband. A few weeks ago she found work which would allow her to keep the baby with her. Ten dollars board was unpaid and Mrs. Curtis refused to give up little Alice until she was paid in full.

Mrs. Curtis seemed very much surprised by Magistrate Barlow's decision. The baby waved her tiny hands at the Magistrate in approval as she was carried out over her mother's shoulder.

IMPORTED LA CAROLINA Cherries, 10c. Made for most discriminating smokers. —Advt.

World "Poultry" Ad.
Makes Business Hum

WOODSIDE POULTRY FARM.
H. H. Mathews, Proprietor.
Woodside, N. Y., March 12, 1915.

It has been our aim to show that from \$1.00 advertisement in the Sunday World you can secure for over \$120.00 worth of eggs. Results have been more satisfactory than in any other poultry ad.

Copy for week of March 14 is enclosed herewith. Yours very truly, H. H. MATHEWS.

What World ads. don't happen to show in the way of Poultry, Eggs for Hatching, Little Chicks, Incubators, Feed, Remedies, &c., World "Wanted" ads. quickly find.

The World makes cuts for illustrated World ads. free of charge.

Why not profit by the experience of Mr. Mathews and others and

ADVERTISE IN THE BIG SUNDAY WORLD TO-MORROW?

FOUR RESCUERS FREED;
JURY ARGUED 19 HOURS
BEFORE FINAL VERDICT

Twelve Men Ask to Hear Again Thaw's Own Testimony as Witness and Charge of Justice Page.

SHERIFF AND STATE SLEUTH
HAVE BATTLE IN COURT

Harry K. Thaw was acquitted to-day of the charge of conspiracy to escape from Matteawan Insane Asylum. He was remanded to the Tombs until Monday at 2 P. M., when a motion to return Thaw to New Hampshire, whence he was extradited for the purpose of his trial, will be argued before Justice Page.

The four men who helped Thaw in his escape—Richard J. Butler, Eugene Duffy, Richard Thompson and Thomas Flood—were also acquitted.

The jury came into court at 12:15 P. M., after an absence of less than ten minutes following the reading of Thaw's testimony and that part of the Judge's charge relating to it. The point was as to Thaw's belief that he was acting within his legal rights in fleeing as he did.

Thaw was not so nervous and anxious as the four men who had helped him escape. Nothing could be read from the faces of the jurors as they filed in. They were impassive. Mrs. Thaw scanned them intently. So did all the prisoners.

Clerk William N. Penney called the roll of the jury. Each man answered "here." The prisoners remained seated as Mr. Penney asked the jury: "Gentlemen, have you agreed upon a verdict?"

"We have," replied Foreman Frank J. Bailey, rising and reading from a memorandum. "We find all the defendants not guilty of conspiracy as charged in the indictment."

Deputy Attorney General Cook moved the discharge of the four helpers of Thaw, and asked that Thaw be recommitted to Matteawan, under the original order of Justice Dowling committing him there immediately after his trial for killing Stanford White.

The four co-defendants, without a look at Thaw, marched gladly out of court. "Smiling Dick" Butler, his lost smile restored, stopped a moment here and there to receive the congratulations of a friend.

"How do you like the verdict?" a reporter asked Harry Thaw's mother. "I am well pleased," she replied. Thaw declared that, by the direction of his counsel, he had nothing whatever to say.

THAW IS SENT BACK TO THE TOMBS.

Abel P. Smith, the only one of Thaw's lawyers present, moved Justice Page to order the return of Thaw to New Hampshire, and asked to have him removed to the Tombs awaiting the argument of the motion. After some discussion the argument of this motion was set down for 3 P. M. Monday. Thaw was taken up to the Sheriff's room over the court, and after greeting his mother, sister and brother there was taken back to the Tombs.

It was learned this afternoon that if the proceeding on Monday before Justice Page for an order that Thaw be returned to New Hampshire fails, ex-Justice Morgan J. O'Brien, of his counsel, will immediately take steps to sue out a writ of habeas corpus. Thaw's counsel will seek to have a jury of twelve men pass upon his sanity and will fight to have the hearing take place in New York County.

It is discretionary with the Justices of this judicial district as to whether the habeas corpus proceedings shall be heard here or in the district in which Matteawan is located.

Immediately after the jury retired for the last time to consider its verdict Sheriff Griffenhagen went up to the bench to speak to Justice Page. He complained that when the jury first came into court for instructions this morning Detective John Langan, employed by the Attorney General's office to get evidence in this case, had taken a seat beside the jury box and spoken to one of the jurors. Langan denied that he had spoken to any juror. The Sheriff repeated his charge.

"Do you mean to say I'm a liar?" cried Langan, and he made a leap at the Sheriff and struck him a swinging right-hand blow high on the cheek, knocking his nose back and breaking his gold-rimmed spectacles. The Sheriff clenched, and as the two men tried to strike each other Justice Page, who is big and powerful as well as judicial and calm, pulled or rather pushed them apart. Langan was put under arrest and taken out of court. His case—continued.